

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT OF TEXAS

MAR 22 2017

UNITED STATES OF AMERICA

§

BY
DEPUTY _____

v.

§

6:17CR 22

§

SEALED

§

KEITHON ANTWAIN GARLAND (01)

§

aka "Kilo"

§

JUDGE CLARK / *Love*

MARK ANTHONY BROWN (02)

§

INDICTMENT

THE UNITED STATES GRAND JURY CHARGES:

COUNT ONE

Violation: 21 U.S.C. § 846 (Conspiracy to distribute and possess with intent to distribute cocaine and cocaine base, also known as crack cocaine)

Beginning in or about June, 2016, at a date unknown to the Grand Jury, and continuing thereafter through the date of this indictment, in Gregg County, Texas; in the Eastern District of Texas, and elsewhere, **Keithon Antwain Garland**, also known as "**Kilo**," and **Mark Anthony Brown**, Defendants herein, did knowingly and intentionally combine, conspire, confederate and agree together with each other and with others known and unknown to the Grand Jury, to knowingly and intentionally possess with intent to distribute 28 grams or more of a mixture or substance containing a detectable amount of cocaine base, also known as crack cocaine; and cocaine; Schedule II controlled substances, in violation of the laws of the United States, to wit,

21 U.S.C. § 841(a)(1) prohibiting possession with intent to distribute and distribution of cocaine base and cocaine, both Schedule II controlled substances.

OVERT ACTS

1. On or about June 27, 2016, at a residence on Nelson Street, in Longview, Texas, **Keithon Antwain Garland**, also known as “**Kilo**,” and **Mark Anthony Brown** distributed approximately 36.92 grams of crack cocaine for \$2,000.00.
2. On or about July 1, 2016, at a residence on Nelson Street, in Longview, Texas, **Keithon Antwain Garland**, also known as “**Kilo**,” and **Mark Anthony Brown** distributed approximately 32.76 grams of cocaine for \$2,000.00.

3. On or about July 20, 2016, **Keithon Antwain Garland**, also known as “**Kilo**,” and another person discussed by telephone the purchase of crack cocaine and a handgun.
4. On or about July 21, 2016, at a Super One store in Longview, Texas, **Keithon Antwain Garland**, also known as “**Kilo**,” and **Mark Anthony Brown** distributed approximately 13.62 grams of crack cocaine for \$1,000.00, and a pistol for \$400.00.
5. On or about August 6, 2016, in his vehicle in Longview, Texas, **Keithon Antwain Garland**, also known as “**Kilo**,” possessed approximately 20.93 grams of cocaine, packaging baggies, and a scale.
6. On or about October 1, 2016, in Longview, Texas, **Mark Anthony Brown** possessed a crack pipe.

7. On or about, October 15, 2016, in his vehicle in Longview, Texas, **Keithon**

Antwain Garland, also known as “**Kilo**,” possessed a small quantity of marijuana.

A passenger in the car possessed two pistols.

All in violation of 21 U.S.C. § 846.

COUNT TWO

Violation: 21 U.S.C. § 841(a)(1) and 18 U.S.C. § 2 (Possession with intent to distribute cocaine base, also known as crack cocaine, and aiding and abetting)

On or about June 27, 2016, in Gregg County, Texas, in the Eastern District of Texas, **Keithon Antwain Garland**, also known as “**Kilo**,” and **Mark Anthony Brown**, Defendants herein, aided and abetted by one another, did knowingly, intentionally and unlawfully possess with intent to distribute and did distribute a mixture or substance containing a detectable amount of cocaine base, also known as crack cocaine, a Schedule II controlled substance.

In violation of 21 U.S.C. § 841(a)(1) and 18 U.S.C. § 2.

COUNT THREE

Violation: 21 U.S.C. § 841(a)(1) and 18 U.S.C. § 2 (Possession with intent to distribute cocaine, and aiding and abetting)

On or about July 1, 2016, in Gregg County, Texas, in the Eastern District of Texas, **Keithon Antwain Garland**, also known as “**Kilo**,” and **Mark Anthony Brown** Defendants herein, aided and abetted by one another, did knowingly, intentionally and unlawfully possess with intent to distribute and did distribute a mixture or substance containing a detectable amount of cocaine, a Schedule II controlled substance.

In violation of 21 U.S.C. § 841(a)(1) and 18 U.S.C. § 2.

COUNT FOUR

Violation: 21 U.S.C. § 841(a)(1) and 18 U.S.C. § 2 (Possession with intent to distribute cocaine base, also known as crack cocaine, and aiding and abetting)

On or about July 21, 2016, in Gregg County, Texas, in the Eastern District of Texas, **Keithon Antwain Garland**, also known as “**Kilo**,” and **Mark Anthony Brown**, Defendants herein, aided and abetted by one another, did knowingly, intentionally and unlawfully possess with intent to distribute and did distribute a mixture or substance containing a detectable amount of cocaine base, also known as crack cocaine, a Schedule II controlled substance.

In violation of 21 U.S.C. § 841(a)(1) and 18 U.S.C. § 2.

COUNT FIVE

Violation: 18 U.S.C. § 924(c) and 18 U.S.C. § 2
(Use, carrying, and possession of a firearm
during and in furtherance of a drug trafficking
crime and aiding and abetting)

On or about July 21, 2016, in Gregg County, Texas, in the Eastern District of Texas, Defendants herein, **Keithon Antwain Garland**, also known as “**Kilo**,” and **Mark Anthony Brown**, aided and abetted by one another, did knowingly and intentionally use, carry, and possess a firearm, to wit: a pistol, during and in furtherance of a felony drug trafficking crime for which they may be prosecuted in a court of the United States, that is, ~~possession with intent to distribute and distribution of cocaine base, a Schedule II~~ controlled substance, a violation of 21 U.S.C. § 841, as alleged in Count 4.

In violation of 18 U.S.C. § 924(c) and 18 U.S.C. § 2.

COUNT SIX

Violation: 18 U.S.C. § 922(g)(1) (Felon in possession of a firearm)

On or about July 21, 2016, in Gregg County, Texas, in the Eastern District of Texas, **Keithon Antwain Garland**, also known as “**Kilo**,” Defendant herein, did knowingly and unlawfully possess a firearm, specifically, Taurus, .45 caliber, model PT145 Pro pistol, bearing serial number NCU70317, which firearm had been shipped in interstate commerce, and the Defendant possessed the firearm after having been convicted of crimes punishable by terms of imprisonment exceeding one year, specifically the felony offenses of:

Burglary of a Habitation, in Gregg County, Texas, in 2006;

Forgery, in Gregg County, Texas, in 2006; and

Aggravated Robbery, in Gregg County, Texas, in 2011.

In violation of 18 U.S.C. § 922(g)(1).

COUNT SEVEN

Violation: 18 U.S.C. § 922(g)(1) (Felon in possession of a firearm)

On or about July 21, 2016, in Gregg County, Texas, in the Eastern District of Texas, **Mark Anthony Brown**, Defendant herein, did knowingly and unlawfully possess a firearm, specifically, Taurus, .45 caliber, model PT145 Pro pistol, bearing serial number NCU70317, which firearm had been shipped in interstate commerce, and the Defendant possessed the firearm after having been convicted of crimes punishable by terms of imprisonment exceeding one year, specifically the felony offenses of:

~~Delivery of a Controlled Substance, in Gregg County, Texas, in 1992; and~~

Manufacture/Delivery of a Controlled Substance in Gregg County, Texas, in 2010.

In violation of 18 U.S.C. § 922(g)(1).

COUNT EIGHT

Violation: 21 U.S.C. § 841(a)(1) (Possession with intent to distribute cocaine)

On or about August 6, 2016, in Gregg County, Texas, in the Eastern District of Texas, **Keithon Antwain Garland**, also known as “**Kilo**,” Defendant herein, did knowingly, intentionally and unlawfully possess with intent to distribute a mixture or substance containing a detectable amount of cocaine, a Schedule II controlled substance.

In violation of 21 U.S.C. § 841(a)(1).

NOTICE OF INTENT TO SEEK CRIMINAL FORFEITURE

Pursuant to 18 U.S.C. § 924(d)(1), 21 U.S.C. § 853, and 28 U.S.C. § 2461

As the result of committing one or more of the foregoing offenses alleged in this Indictment, Defendants herein, shall forfeit to the United States pursuant to 18 U.S.C. § 924(d)(1), 21 U.S.C. § 853, and 28 U.S.C. § 2461 any property constituting, or derived from proceeds the person obtained directly or indirectly, as the result of such violation; and any and all personal property used or intended to be used to commit the offense, including but not limited to the following:

Cash Proceeds

~~\$6,400.00 in United States currency and all interest and proceeds traceable thereto, in that such sum in aggregate is property constituting, or derived from, proceeds obtained directly or indirectly, as the result of the foregoing offenses alleged in this Indictment.~~

Substitute Assets

If any of the property described above as being subject to forfeiture, as a result of any act or omission of the defendant –

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with a third person;
- (c) has been placed beyond the jurisdiction of the court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to 21 U.S.C. § 853(p), to seek

forfeiture of any other property of defendant up to the value of the above forfeitable

property, including but not limited to all property, both real and personal, owned by defendant.

By virtue of the commission of the offenses alleged in this Indictment, any and all interest the Defendants have in the above-described property is vested in the United States and hereby forfeited to the United States pursuant to 21 U.S.C. § 853, and 28 U.S.C. § 2461.

Date: 3/22/17

A TRUE BILL,



FOREPERSON OF THE GRAND JURY

BRIT FEATHERSTON
ACTING UNITED STATES ATTORNEY



MARY ANN COZBY
ASSISTANT U.S. ATTORNEY

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NOTICE OF PENALTY

COUNTS ONE-FOUR and EIGHT

Violation: 21 U.S.C. §§ 841(a)(1) and 846

Penalty: If more than 28 grams of cocaine base, not less than 5 nor more than 40 years imprisonment, a fine not to exceed \$5,000,000, or both, and supervised release of at least 4 years.

If this violation was committed after a prior conviction for a felony drug offense has become final, not less than 10 years nor more than life imprisonment, a fine of up to \$10,000,000, or both – supervised release of at least 8 years.

If less than 28 grams of cocaine base, or less than 500 grams of cocaine, not more than 20 years imprisonment, a fine not to exceed \$1,000,000, or both, and supervised release of at least 3 years.

If this violation was committed after a prior conviction for a felony drug offense has become final, not more than 30 years imprisonment, a fine of up to \$2,000,000, or both – supervised release of at least 8 years.

Special Assessment: \$100.00

COUNT FIVE

Violation: 18 U.S.C. § 924(c)

Penalty: Imprisonment for not less than 5 years nor more than life which must be served consecutively to any other term of imprisonment, a fine not to exceed \$250,000, and supervised release of not more than 5 years.

In the case of a second or subsequent conviction under this subsection, imprisonment for not less than 25 years nor more than life which must be served consecutively to any other term of imprisonment, a fine not to exceed \$250,000, and supervised release of not more than 5 years.

Special Assessment: \$100.00

COUNTS SIX and SEVEN

Violation: 18 U.S.C. § 922(g)(1)

Penalty: Imprisonment for not more than 10 years, a fine not to exceed \$250,000, or both, and supervised release of not more than 3 years.

Special Assessment: \$100.00